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Before The
THE FEDERAL COMMUNICATION COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 95 of) WT Docket No. 95-47
Commission's Rules to allow) RM-8476
Interactive Video and Data)
Service licensees to provide)
mobile service to subscribers)

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COMMENTS RE NOTICE OF PROPOSED RULE MAKING

1. I, Mr. Henry Mayfield, hereby submit comments on the Notice of Proposed Rule Making by the Commission to amend Part 95 of the rules (47 C.F.R. Part 95) to permit Interactive Video and Data Service ("IVDS") licensees to provide mobile service to subscribers on an ancillary basis. Under the Commission's current rules, IVDS licensees may provide services to individual subscribers located at fixed locations within a service area or MSA, and subscribers may provide responses. This is classified as a fixed service and mobile operation of response transmitter units ("RTUs") is not permitted. This proceeding was initiated by a petition for rule making (Petition), RM-8476, filed by EON Corporation ("EON"), on May 11, 1994.^{1/}

2. I am an engineer, former mathematics professor, and winning bidder of the New Brunswick/Perth Amboy MSA. Accordingly, I have the background and experience to assess the economics of IVDS business as well as system applications and build-out.

^{1/} Public Notice of the Petition was given in *Petition For Rule Making*, Report No. 2011, released May 19, 1994.

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3. I strongly support the Commission's proposal and commend you for quickly acting on the petition. Mobile use of IVDS spectrum will have important benefits to the public interest. As a developing, and newly auctioned service, IVDS needs to be nurtured with greater operational flexibility and less restrictive technical limitations in order to place the industry on a sound financial basis and to assure future license payments. Accordingly, I ask the Commission to allow maximum flexibility in IVDS design, specifically in the following areas:

A. The Commission should retain the 20 watt maximum effected radiated power ("ERP") for fixed RTUs. By retaining this provision, licensees can continue benefiting from alternative approaches to building-out their respective MSAs. The decision favoring one equipment provider over another is generally based on economics.

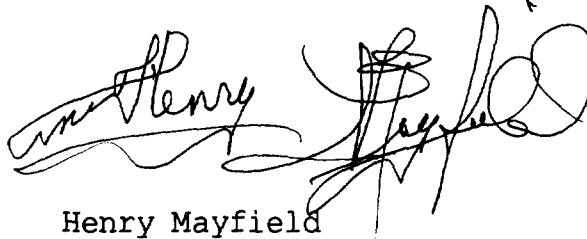
B. The current maximum duty cycle of 5 seconds per hour for each RTU should be relaxed in certain circumstances. For example, a mobile RTU with a maximum ERP of 100 milliwatts should have a longer duty cycle when operating with reduced power. Another example is in a distance learning application where a student uses a mobile RTU to respond to questions asked by the teacher. Without a longer duty cycle, the proposed mobile RTU may limit its usefulness for this application.

C. The restriction to provide mobile subscribers on an ancillary basis should also be relaxed under certain conditions. For example, in some MSAs, cable TV is already providing some interactive services and the trend is expected to continue as system upgrades are completed. For these and similar cases it may not be cost-effective for a licensee to provide the fixed RTU but it may be cost-effective to provide the mobile RTU service.

D. The restrictions to limit the maximum power of a mobile RTU to 100 milliwatt ERP should also be relaxed. Licensees could benefit similarly as expressed above in Paragraph A.

4. In summary, the Commission should allow maximum flexibility in IVDS design, specifically in the following areas: retain the 20 watt maximum ERP for fixed RTUs; relax restrictions: on the 5 second per hour duty cycle for all RTUs; on providing mobile service on an ancillary basis; and on the maximum ERP of 100 milliwatts for mobile RTUs. Also the Commission should require IVDS system manufacturers to provide engineering analyses to support their licensees' push for greater technical flexibility.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Henry Mayfield", with a large, stylized flourish extending from the end of the signature.

Henry Mayfield
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cc: The Honorable Reed E. Hundt, Chairman
The Honorable Andrew C. Barrett, Commissioner
The Honorable Rachelle B. Chong, Commissioner
The Honorable Susan Ness, Commissioner
The Honorable James H. Quello, Commissioner